



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

prison, received injuries which render him permanently incapable of earning a living. This is one of the forms of injustice which has hardly even been considered in this country. We have been looking too much to deterrents, to appeals to fear for social protection. Only of late has the parental idea of government, the moral responsibility of the city, state, and nation, become a subject of general discussion. We have no national system of social education such as is found in the policy of the German Empire. Our intense individualism, which is often only a fine name for savage selfishness, needs the correction of an international congress,³ where the failures of egoism are made apparent in the tragical story of crime.

CHARLES RICHMOND HENDERSON.

UNIVERSITY OF CHICAGO.

THE APPEAL TO NATURE IN MORALS AND POLITICS.*

W. J. ROBERTS.

I WISH this evening to treat the vast subject which I have chosen in a descriptive rather than in an analytic or critical spirit: to exhibit a very ancient, and yet in our own day vigorous and flourishing, mode of regarding moral and political questions, in its concrete manifestation or in its 'working' rather than to subject it to the demands which contemporary philosophical fashion would impose

³ Further information about the International Prison Congress will be furnished to any person interested, if request is sent to the writer of this article, care of the University of Chicago. Full reports in French are furnished to members of the Congress; abstracts of papers are furnished in English to members of the American Prison Association, whose secretary is Mr. Joseph P. Byers, Randall's Island, New York.

* An address to the Philosophical Society of the University College, Cardiff, South Wales.

upon it. From another point of view, my object is not logical but pragmatist: it is to show that the appeal to nature has 'worked' or has issued in tangible practical results, and that the same appeal works very diversely in diverse hands. This very striking and paradoxical diversity may well awaken in the minds of my hearers a demand for explanation; this demand I cannot, however, to-night hope to satisfy. A result which I should not regret would be that my hearers should be induced to study carefully and critically some such analysis of the notion of Natural Rights as is contained in the volume which the late Professor Ritchie devoted to the subject. That this brilliant writer failed to do complete justice to his fascinating theme is only what might have been expected. We need not be surprised that a notion which appears to be one of the abiding possessions of the human spirit should resist and evade the critical weapons of any individual critic. The fact remains, that a notion is capable of being used with effect, of issuing in consequences of the utmost theoretical and practical importance, while it contains in itself many unsolved difficulties and apparent contradictions. This can be illustrated easily and adequately by the conceptions of Space, Time, Force, Infinity, and the like. We may, for the present, treat the conceptions of natural law and right as notions which have not yet been adequately analyzed and defined, and our survey as preliminary to such definition.

When manners and customs, laws and political institutions are critically discussed, nothing is more usual than to hear the object of discussion approved as natural or condemned as unnatural. I do not mean to exclude cases in which condemnation or approval, as the case may be, is bestowed with reference to 'human nature' as its standard. We are, in these days, especially familiar with the argument that certain political and economic proposals are to be condemned because they are against human nature, or because human nature will not submit to them. The detailed objections which are made in Parliament and else-

where to the enfranchisement of women are very commonly allowed to possess very small value at the best, and, at the worst, to be merely ridiculous. The really strong argument, if we measure the strength of an argument by the force and intimacy of the appeal which it makes to a large number of men and even of women, is the vague but often passionate conviction that the political equality of the sexes is unnatural. Other arguments can be dealt with in detail and demolished with comparative ease. This conviction, however, seems to envelop those who enjoy it in triple bronze, and advocates of women's enfranchisement discover sooner or later that the best argument to use against such people is to leave them alone.

I am afraid that the first illustration which I have chosen will not predispose many of my hearers to view the appeal to nature in morals and politics with much favor. The next instance may strike some of you as no less satisfying than the first. Many men who have devoted themselves to what are called the 'natural' sciences, consider themselves thereby qualified to pronounce judgment on moral and political issues from the standpoint of what is natural. It is mainly upon biological facts and theories, such as those conveyed under the terms 'evolution,' 'natural selection,' and 'struggle for existence' that such scientists explicitly rely. But it is not necessary to be eminent as a biologist, or even to have studied biology at all, in order to win the assurance that one is qualified to apply the standard of what is biologically natural to the practices and ideals of the non-scientific mob. A superficial acquaintance with these biological commonplaces, added to the proud consciousness of being a 'scientist' is all that one needs. As a scientist, one tends to indorse without question or criticism the theories which appear to prevail in scientific circles. This loyalty of scientific men to what appears to them the cause of science can be accounted for with little difficulty, and within due limits may be recognized as excusable and even laudable. But this is clearly a case in which the students and practitioners of the science and art

of right living and of government, who may also claim to be scientists in their kind and degree, must feel that those limits have been flagrantly transgressed. I shall dwell no longer for the present on this instance of the appeal to nature except to mention that the response is, generally speaking, adverse to the claims of sympathy and to aspirations for social and national equality.

The answer is not always, however, to this effect. Men who have devoted the best years of their lives to the natural sciences are sometimes eminent in advancing what is ordinarily supposed to be the cause of human progress. Critical thinkers may detect some violence in the transitions which some of these scientists profess to effect from one sphere to another; and it may be allowed that it is not a small matter to exhibit in due logical relation the processes of non-human nature on the one hand, and the workings and aspirations of the human mind on the other. A more reverent attitude is imposed upon us in the presence of a man like the Roman poet, Lucretius, who was at once an inspired natural philosopher, and a passionate teacher of humane ideals of conduct. We find in him not merely a juxtaposition but an intimate combination of the offices of scientist and moral teacher. While he is rapturously pursuing the contemplation of the immense processes of nature, the stately ordering of causes and effects, he is, at the same time, directly inculcating or irresistibly inspiring such moral doctrines as the following: the vanity of luxury, riches, and power; the folly of fearing death; the pity of human suffering and wrong; the beauty of modesty, contentment, and fortitude; the noble joys of unpretentious rural life; the possession by animals of some of the most exquisite human qualities, and the vileness of man's cruelty towards them. We may see from this instance what the character and the result of a morally inspired appeal to nature may be, though it be made by a scientific thinker, whom we might justly call a materialist. I must now pass on to notice the explicit repudiation by certain poets and scientists of the appeal to nature

as the basis of a philosophy of man and the state. Like the appeal to nature itself, its repudiation is in various instances very different in spirit and result.

The name of Tennyson readily occurs to us, as of one who expressed in exquisite and memorable phrases the contrast between the cruelty of nature and the gentler affections and aspirations of mankind. That nature is 'red in tooth and claw' has become one of the common-places of contemporary moralizing. For Tennyson the name of nature represented the processes, so stupendous and so pitiless, with which the biologizing imagination of the nineteenth century filled the remote recesses of historic and prehistoric time. To them were added, trivial indeed in comparative magnitude, but of the utmost moral significance, the too palpably uneradicated instincts of human cruelty and greed which seemed to dominate the larger destinies of men and peoples: to the glorification of these instincts, we must add, the favorite poet of English educated society rarely refused to dedicate the service of his song.

Somewhat different in method, though not devoid of almost poetic passion, was the celebrated Romanes lecture of Professor Huxley, who, towards the end of a career devoted to the defense of Darwinism, startled his audience by inviting them to abandon the attempt to solve the problems of society by the help of the analogies of non-human nature. Man must look upon nature as his enemy, which it had been and must be his high prerogative to oppose and finally to subdue. Only by violating the apparent dictates of nature had man succeeded in achieving anything definitely human. Nature and Man, Evolution and Ethics were now irreconcilably opposed to each other. Nature and Man have been likewise opposed, but in a very different spirit, in a more recent Romanes lecture by Sir Ray Lankester. Man appears here as destined to become king and lord of nature, not by his superiority as a moral being, but by his intellectual preëminence, which will betray to him the most bewildering stratagems of his

dreaded antagonist. The attitude toward nature inculcated by this scientist resembles very closely the passion of a hunter for his sport. The ruthless pursuit of natural, especially of bacteriological, science, should on his principles speedily depose the humanities from their place in our schemes of education, and the state should endow unstintingly the labors of those who occupy themselves with 'scientific research.'

We shall now pass to a very long and very important period in the history of the Western world, the period which extends from the beginnings of recorded Greek speculation to the end of the eighteenth century.¹ During these many centuries, 'nature,' 'the law of nature,' 'the natural rights of man' and the like phrases were the watchwords and commonplaces of the philosophical discussion of morals and politics. With very few exceptions, the Greek philosophers, the philosophers and jurists of the Græco-Roman world, and of Christian mediæval Europe, all handled these conceptions, with variations, indeed, in methods and conclusions, but seldom if ever with any doubt as to their validity, and their necessity for the comprehension of moral and political problems. And in the centuries which followed the downfall of scholastic philosophy in Europe, the old phrases remained, and proved a light unto the path of some of the most important political thinkers of modern times. Both in Europe and the American colonies, the political discussions of the eighteenth century were filled with references to the natural rights of mankind. Many prejudices beset the path of the student of eighteenth century political thought. The absurd notion that the natural rights of man were a peculiar invention of the perniciously 'logical' French mind, and wholly alien to the 'positive' Anglo-Saxon spirit is dealt with as it deserves in the first chapter of Professor Ritchie's "Natural Rights." I should wish espe-

¹ The second date at least can only be approximate. Bentham, as is well known, attacked the notion of 'natural law' from the first.

cially to insist, not only with regard to eighteenth century political philosophy, but to the whole of modern philosophy, that the ignoring of the immediate source of its conceptions in the philosophy of the middle ages is an error no less mischievous, from the point of view of theory, than it is perverse historically. The full meaning and value of the doctrine of natural rights, the irresistible attraction which it possessed in the past, the mighty changes which have come to pass under its inspiration, can be rightly understood only if we acquaint ourselves with the various expressions which it assumed in the course of its long history, and particularly with the way in which it presented itself to its noblest exponents. If we think of a law which is externally valid and unchangeable, standing alone and perpetually challenging the various and fluctuating institutions of mankind: a law which is harmonious not only with the constitution of man, but with the constitution of the universe in which he lives; we shall, in my opinion, at once recognize that it is in the highest degree attractive and congenial to our nature at our best moments. So much so that I am disposed to be impatient of our practice of tracing the development of doctrines merely by the aid of fragments from the writings of one reputed philosopher after another. The best history of philosophical doctrines would be a history which exhibited some permanent demand of human nature which such doctrines are only an imperfect attempt to embody. Mankind does not learn even all its philosophy from the philosophers: on the contrary, the philosopher's work is often a very infirm endeavor to analyze and dissect thoughts which are living and 'working,' to use the language of the 'pragmatists,' in the world around him. That the popular mind has its infirmities, and that it displays them in its use of this conception of nature, I have already hinted, and hope later on to enforce. But I should be glad if we could approach the beautiful passage, which I am about to quote, with the reverence of the common man, and without too eager a desire to rend it into philosophic

morsels. This fragment from a lost work of Cicero has been preserved for us by one of the Christian fathers. Its citation by Lactantius is significant; and the passage represents very faithfully the attitude of the philosophic Roman jurist and the attitude at a later time of the philosophic Christian moralist to the Law of Nature.

There is indeed a veritable law, a true rule of reason, in harmony with nature, unchanging and eternal, which by its command should summon us to our duty, and by its prohibition warn us from doing wrong; but though it does not command or dissuade good men in vain, it fails to move the wicked by command or prohibition. This law may not be counteracted, nor repealed as to any part, nor wholly annulled. Nor again can we by senate or people be exempted from this law. And we need seek none other to explain to us or to interpret this law; nor will it be one law at Rome, another at Athens, one law in our time and another law in time to come; but one law, eternal and imperishable, it will bind all peoples in every age. And God, the author, the judge and the enactor of this law, will be thus in a manner the common governor and commander of all men: and he who will not obey this law will become an alien to his very self; and by this fact, he will pay the uttermost penalties, though he escape all else that is reputed punishment.

This noble passage will I trust awaken our admiration for its author and our interest in the doctrine which he so eloquently expounds.

We may now inquire what may be understood or implied in the thought of a law of nature as here expounded. It regards man as a member not only of some particular state or nation, but of a vast society embracing not only all existing humanity but humanity past, present, and future. He is also a member of a still wider society, of the whole order of nature, and his ultimate standard of right and wrong is the harmony of his activities with this mighty order. To set impulse or habit or the practices of our small society, or again the supposed iron necessities of our own state, above the claims of universal humanity, or the just claims of beings physically in our power, is to do violence to this great harmony and to ourselves: by so doing we become, in Cicero's graphic phrase, exiles from ourselves. Such a conception of right conduct is at once cosmical and humanistic, neither setting non-human nature

above man, nor man above nature. It was under the influence of ideas such as these that Roman law from being the capricious and largely irrational code of a petty municipality became the law of civilized Europe and the model of later jurisprudence. It was such a conception likewise that was used by the men who voiced most effectively the demand of the modern world for more humanity and more fairness in the conduct of government and in the relations of states to each other. It is still, I believe, the most attractive embodiment of the demand for equality between one man and another, and for the recognition of the rights of animals to our protection and fellowship.

It is quite consistent with this doctrine of a Law of Nature, to recognize that man has on the whole advanced and is still advancing in the knowledge of nature as here understood, and of himself. Indeed I would insist very strongly that if the conception of a Law of Nature is to flourish in the future, it must, as it was in its best days, be combined with aspirations for the improvement of human life, with a willingness to recognize new conditions and problems, and to learn new commandments, positive and negative. It would indeed be deplorable if the notion continued to be used, as it is now used by its chief professional adherents, mainly to buttress traditional beliefs and practices. A believer in the law of nature may maintain that it is an ideal by which human life is consciously and unconsciously guided, and to the attainment of which past and existing institutions have been increasingly adequate means. It is important, however, to mention a belief which has been very widespread, which was held by Plato and by the Apostle Paul, and which appears in the speculations of many poets and thinkers as well as in many religions and myths. This is the belief in a past Golden Age, in which men lived in harmony with nature and with each other. It is not now very commonly found among thinkers of repute, and, as I have said, it is not essential to a belief in the Law of Nature. But a remarkable and very interesting exception may be mentioned, namely, Sir

William Ramsay, who, in an article in *The Contemporary Review* for September, 1907, argues on historical grounds in favor of the view of St. Paul. He points to the pre-historic civilization of the Mediterranean basin, and to the wonderful heritage handed down to the people who inhabited that region in the historic period: for example, what are we to think of the people who planted the olive, a tree which requires the most assiduous care, and which does not bear fruit for fifty years? In respect of the arts and humanities of life, the story of these peoples does for many centuries present the impression of progressive degradation and loss; and the tradition of a better time in the past may well have rested on something more than fantastic aspiration. Mr. Alfred Benn, Professor Julius Beloch, and others have noted an improvement in Greek life and manners from the sixth century B. C. onwards; and it is interesting to notice with them, that this was the time in which philosophy was active, and in which the conception of nature as the standard of right and wrong was inculcated.

Without committing myself to Sir William Ramsay's views, I should like to mention a thought which has often occurred to myself: namely, that we are apt greatly to underestimate the debt which we owe to our primitive forefathers in respect of the simpler and more fundamental arts of life. Such men cannot, I should think, have spent their lives in a series of blundering experiments; they must have possessed some such sure instincts as we admire in some of the animals and in some rare instances among our own contemporaries. I would suggest that the greatest contributions to the fabric of human knowledge and culture have been made and will in the future be made by men of pure and reverent mind, sympathetic and responsive to the moral and physical harmonies of the world. The great biologists of the future, like their great predecessors in the past, will be naturalists, students of life in the full sense, and not theorists of the laboratory. This leads me to mention a matter which has often been discussed

with much heat and mutual satisfaction to the disputants in connection with this very subject of natural rights, namely, the treatment by man of the lower animals. In recent times there has been much improvement in the opinions and practices of our societies in respect of the animals. There can, however, be no doubt that man's relations to the animals underwent in the past a grievous change for the worse. Among other proofs of this may be cited the success of primitive man in taming diverse species of animals, and making of them not so much his servants as his friends. Professor Gilbert Murray finds traces of this decline in the early Greek epic; and he very suggestively explains the habitual and, as we call it, otiose application of characteristic epithets to the domestic animals. We are apt to glide over and finally to 'skip' such epithets as 'crumple-horned' which Homer applies to cattle; the intuitive genius of Professor Murray sees in it a survival of the happy time when the Greek husbandman greeted his cow with words importing 'Good-morning, Crumple!' However this may be, I should like to express my conviction that an essential condition to the harmony of man with himself and his fellows is that he should strive towards peace and understanding with nature, and especially with his so-called 'dumb' fellow-animals, admitting them to share, as far as they are able and progressively become able to share, in the rights and privileges of members in the great community of nature. Herein lies a surer hope for human dignity and progress than in the cultivation of a spirit of proud dominion, which becomes, as experience daily teaches, by easy gradations the spirit of lust and ruthlessness, blunting all moral sensibility and perverting every noble instinct. May we not hope that as human life becomes more responsive to the life which surrounds it, a life in some ways better ordered than our own, we shall develop sure intuitions and noble instincts which will put our petty and baffled calculations to shame?

I must also refer to another belief which has been from

time to time associated with the appeal to nature in morals and politics: that is the belief that the right ordering of human life demands simplicity in our normal wants and surroundings, and that in particular, the laboring people are, through the greater naturalness of their lives, more accessible than other classes to moral appeal and richer in moral insight and virtue. Such a belief was held and very persuasively enforced by a great moral and political teacher, Jean Jacques Rousseau, whose remarkable gifts and experience of life, I may add, made him especially well qualified to judge of what he was saying. We must, of course, admit the great diversity of moral endowment as between the members of any particular section of the community. We must admit, further, the enormous strength of brute habit and convention in all classes including the manual workers; and in recent times, in particular, forces have been at work no less adverse to what we might expect to be the special virtues of the workers than to the virtues of us all. At the same time many close observers of life have been found to indorse this judgment of Rousseau's; and it is pretty generally recognized by thoughtful people that luxury and dominion, the consciousness of being able to claim the services of others for every irksome business, are very powerful adversaries of moral sensibility and effective good will. Again, the inherent moral perversity of living wholly on the labor of others is being recognized no less eagerly than its economic and social mischievousness. We may notice further the greater honor which is now paid in theory, and, to a less extent, in practice, to bodily labor and skill: the recognition by many not only of the physical but of the intellectual and moral profit which they derive from the practice of some manual occupation, and especially from such practice as a means of livelihood. And finally the gross injustice, the clumsy and offensive patronage, which is characteristic of persons who have lived apart from the hardships and joys of common humanity, are phenomena so palpable and so painful that

I am fain for both reasons to dwell no longer in this connection upon them.

Certain perversions of the conception of the Law of Nature demand our attention. That they are perversions of a worthy impulse is a hypothesis which I would invite you not from the outset to close your minds to; for I am aware how strong the tendency is to explain our moral beliefs and ideals as developments or products of non-moral feelings, associations, and the like. We will first take the most popular perversion. We tend very commonly to treat as natural those beliefs or practices or institutions to which we have been accustomed, and those which are to us strange as unnatural. In this matter, as in others, habit is shown as elevated into 'a second nature.'

To the unreflective, that which is to him established and customary appears natural, that which is strange, unnatural, inspiring the appropriate emotions of amusement or annoyance, or acute resentment. We may not individually have experienced anything quite so terrifying in this way as the visitor to a 'black' country, who was greeted with the cry, "'Ere's a stranger: let's 'eave 'arf a brick at 'im"; but a little reflection on what has happened to ourselves or even on what we on certain occasions have felt, will satisfy us that such an event does not violate human analogies; and that, extreme though it is, it belongs to what Aristotle, speaking of the imaginative license of poets, called *οἷα δὲ γένοιτο*. If we are strangers, we are at once, to those unfamiliar with a variety of persons, incongruous and disquieting. If our appearance or dress or habits are unusual, we may excite any degree of emotion ranging from mild wonder or annoyance to awe or consternation. Among genial people we may escape with the rather humiliating satisfaction of being accounted 'funny.' In any case, we are reckoned as not natural.

I may cite an instance or two which will illustrate this tendency. The monoglot Englishman is apt to find a divergence from the singularly inconsistent English pro-

nunciation of written characters not only surprising,—for that the foreigner might forgive him,—but grotesque. If he fails in his first unguided attempt to pronounce a foreign word, which he sees in print, he may and often does give up for ever the attempt to pronounce it, even though the sounds required are extremely easy and used by him every day of his life. Even this is not all: he finds the foreign pronunciation absurd and sometimes ludicrous,—in any case, not natural. If the grammar of a strange language exhibits some divergence from English usage, he is quite likely to wonder whether the strange language is properly a language at all: at all events, I do not know how otherwise to explain a question asked of me by a patronizing Englishman in the train,—whether Welsh really was a language, and whether it had any grammar! I cite this experience not because of the manifold ignorance which it illustrates, but because it shows in what grooves our intellectual no less than our moral and political reactions tend to run. The more ignorant or indolent we are, the readier we are to adjudicate upon what is new with reference to what we conceive as the natural, which is in that case nothing other than that to which we are accustomed. Certain other perversions have already been illustrated. The supremacy of the selfish instincts of the individual or of the particular society have been proclaimed to be the only lessons which ‘nature’ has to teach the human race. On the other hand, the tendency to consider the moral nature of man from a cosmical point of view has given to certain moral philosophies a fatalist or quietist direction, which finds its extreme perhaps in what is said to be the dominant character of certain Indian religions. In modern philosophy the name of nature is apt to convey a fatalist or monistic implication; it suggests to us a system of inexorable causes and effects, in which human history, morality, institutions and laws are absorbed. Nature meant for earlier ages, and often means in our own use of the term, the ideal or the normal, and it is only if this second use of the term can be maintained

that we can continue as philosophers to work with the conception of a law of nature. It is well known how Kant enforced the contrast between these two senses; in fact, the extreme opposition which Kant set up between science and morals, and between logic and ethics, may be very effectively exhibited as an expression of this conflict between possible senses of the term nature.² This point of view is set forth in his usual forcible manner by the late Professor Ritchie ("Natural Rights," p. 75):

I should distinguish as a fourth sense of the term 'Nature'—the sense in which Nature represents our ideal of what ought to be, whether it actually exists as a fact or not. . . . Now it is in this fourth sense that Nature is properly and intelligibly used when a Law of Nature (*Jus Naturale* or *Lex Naturalis*) and Natural Rights are spoken of. And here, also, in the use of the term 'law' we have passed from the scientific sense of generalization, formula, statement of causal connection, etc., to the legal and ethical sense of the term, as command or expectation of some observance. If the term 'natural rights' were always confessedly used in this sense, and in this sense only, no objection could be taken to it, except that it was an ambiguous way of saying what might be less ambiguously expressed by a direct use of the term 'ought.'

How Professor Ritchie uses the term 'ought' I will try presently to explain. But I would suggest here that such analyses as the above of ancient and historic conceptions are apt to become a kind of mental vivisection in which the genuinely vital processes are distorted and finally destroyed, the result appearing as an ingenious tabulation from which the life and the spirit have departed. The various senses of the term nature, the diverse functions which it discharges may, I say, stand to each other in

² This is very clearly argued by an amazingly erudite Italian scholar, Professor Giorgio del Vecchio, in several works published in recent years in defense of the conception of Natural Law. I may refer more particularly to "Il Concetto della Natura e il Principio del Diritto" (1908). His main contention in this work is that the ambiguity of the term Nature has been resolved by the *critical*,—i. e., the Kantian,—philosophy: by bearing in mind Kant's distinction between the phenomenal and the transcendental, or the natural as phenomenal and the natural as ideal we may avoid the ancient errors of the advocates of natural law, and set our use of the conception on a sound basis. While I recognize the acuteness and suggestiveness of Kant's distinctions, I could not attribute to them anything so nearly approaching finality as is apparently attributed by del Vecchio.

some more vital relation than the tabulations of the philosophers suggest.

This survey of ours demands some fuller discussion of the characteristic doctrines of the powerful work which I have just quoted, which not only has peculiar merits of its own, but represents, with that degree of variation which might be expected from a very fresh and individual mind, the leading principles of what was and perhaps is the main tendency in the British philosophy of our time. Its author seems to have been by nature much more a publicist and social critic than an original and penetrating philosopher. His metaphysical doctrines are in great measure borrowed and only partially assimilated; nor are they, it seems to me, brought into any very vital relation with his political doctrines. Mr. Ritchie's doctrine of rights and the relation of rights to Nature or the Universe may be summed up as follows:

(1) He holds that human actions, beliefs, institutions, etc., are parts of the natural order, that they are linked together with each other and with the rest of the universe by an inexorable progression of causes and effects.³ In this sense, all human institutions, past, present, and future, have been, are, and will be alike natural.

(2) It follows from this that whatever has been was right, or as right as could be,—from the 'ultimate' perfection of the universe it must have been perfectly right,—in its time and place; and the future which we hope will be different from the present will certainly be different, but only as may comport with the order of Nature: the future, like the past, will be what it must be.

(3) That 'ought' can in these circumstances mean anything of importance is difficult to understand. Professor Ritchie's explanation of 'ought' differs in substance from

³ Professor Ritchie does not believe in the 'ultimate' reality of time, which denial would if kept continually in mind greatly embarrass his argument. I need not dwell upon this, as Professor Ritchie makes no special or even serious contribution to the question.

hedonistic and some other 'naturalist' explanations of moral ideas, but its form and logical articulation is as 'naturalistic' as could be. He starts not from the individual on the one hand or from the universe on the other, and not even from the human race, but from the particular state to which an individual belongs. Human beings possess no rights except as members of a society, and a right which is not socially recognized is a contradiction in terms.⁴

(4) It appears, however, that a choice or apparent choice may be presented to society between laws which tend to preserve and laws which tend to destroy it. The former laws may, if we forget our fatalist view of history, be treated as the laws which ought to be established. Similarly an individual may violate the established laws of his state if there is sufficient social sanction for such violation, and if his action tends to the preservation of his state.

(5) In providing for the future, states and individuals must submit to the guidance of historians and scientists. Historians can exhibit the successes and failures of states in the past in securing their own preservation. Science can provide the practical means for preserving societies in the future. This extreme deference on the part of a moral philosopher to historians and scientists, seems to me, as indeed it must seem to many of the men thus honored, very ill-founded. One need not be especially cynical or sceptical to recognize: (1) that our data for the investigation of historical problems, and for the application of the 'lessons' of history to our own day are slight,

⁴ This contention of the historical school of law and right is opposed not only to the old doctrines of a law of nature, but to the fundamental moral convictions of mankind. As we have seen, the distinction of what ought to be from what is does not really comport with Professor Ritchie's philosophy. The making of 'ought' and right dependent on the recognition of society, instead of claiming the recognition of society for what is right is a perversion so grotesque that it amounts to a *reductio ad absurdum* of Professor Ritchie's political philosophy.

and likely to yield conclusions which vary according to the moral and political predilections of the investigator; (2) that without moral ideals we shall not in general seek for or discern in historical records the facts which bear upon our own moral problems; (3) that the same holds of the investigation of facts open to contemporary inspection in so far as these facts have any direct bearing upon conduct; for it is only to the person who possesses some standard of moral valuation that it will occur to derive conclusions respecting conduct from what he observes,—and if his standard is defective, his conclusions will reflect the defects of his standard. To the facts ascertained by historian or scientist we shall apply our own moral standard, and we shall consider ourselves justified in doing so, as well as in making allowance for the sources of self-deception which especially beset the professional worker in any department of knowledge.

(6) Non-human nature, for example, the other animals, can be allowed no rights against man, nor has man any duties towards the animals; for animals are not members of human societies. In making allowance, as indeed he was bound to do, if his system of political thought was not to be many centuries behind the time, for our actual recognition of the rights of persons who are not members of our own states, and of states other than our own, Professor Ritchie submits that this is because we recognize a larger human society of which these are 'potential' members. In like manner, many of his readers will claim that our recognition of the rights of animals, of the existence of which, as a fact, there can be no question whatever, in spite of the arguments of scientists and philosophers, is based on the conception of a wider society than the narrow human society to which we politically belong. Professor Ritchie's extreme attitude towards the animals is, in fact, exceptional among any thoughtful people; but it resembles that of Sir Ray Lankester, to whom likewise the animals appear as mere objects for human use, wholly subservient to the supposed good of man.

The inferiority of these opinions in an ethical and even in an intellectually satisfying sense to the conception of a Law of Nature as expounded by Cicero, for example, is so manifest that I need not now dwell much longer upon them. We may note especially the fatalist view of history, the narrow utilitarianism, the elevation of man above his non-human environment, only to subject him to the university professor, the scientist, and to the current opinions of 'respectable' society. Professor Ritchie's philosophy requires him to approve of every wrong committed in the name of the state in the past; for example, of the slavery of the Græco-Roman world, and he duly pays the tribute demanded. He implies that slavery will again become right if the interests of society demand it. It is clear that such a philosophy could be used to argue away every human claim to justice and right. That he did not on the whole so use it, I gladly recognize. But I must be allowed to say that it was not under the inspiration of philosophies such as his that any of the victories of humanity have been won.

In conclusion I would urge my hearers as philosophers to keep a close watch on the use and abuse by themselves or others of the appeal to nature in ethics and politics, and not to suppose that philosophic criticism has as yet banished it to the dust heap of terminological curiosities. On the contrary, it is alive in the popular, the scientific, and the philosophic thought of our day, and according to the mind which employs it is the response which it evokes. I have tried to show that its right use has been associated with some of the noblest thoughts and movements in the history of mankind; and I now conclude with expressing my hope that our philosophers will use it aright and thus rescue it from those who would debase the currency on which the commerce of human thought depends.

W. J. ROBERTS.

UNIVERSITY COLLEGE, CARDIFF, WALES.